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WASHINGTON, D.C. 20036

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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August 15, 1991

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

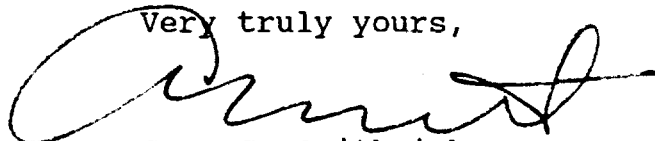
RE: WAIA(FM), St. Marys, Georgia  
Rowland First City Radio, Inc.  
Channel 227C2  
Petition for Rule Making

Dear Ms. Searcy:

Transmitted herewith, on behalf of Rowland First City Radio, Inc, licensee of WAIA(FM), St. Marys, Georgia, are an original and five copies of its "Petition for Rule Making."

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Gary S. Smithwick  
Counsel for  
ROWLAND FIRST CITY RADIO, INC.

GSS/lmv  
Enc.

cc: WAIA(FM) Public File  
Rowland First City Radio, Inc.

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Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. \_\_\_\_\_  
 ) RM- \_\_\_\_\_  
Amendment of Section 73.202(b) )  
(Table of Allotments) )  
FM Broadcast Stations )  
 )  
St. Marys, Georgia, and )  
Callahan, Florida )

TO: Chief, Mass Media Bureau  
Policy and Rules Division  
Allocations Branch

**PETITION FOR RULE MAKING**

Rowland First City Radio, Inc. ("Rowland"), licensee of WAIA(FM), St. Marys, Georgia, by its attorneys, and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully requests the Commission to amend Section 73.202(b) of the Rules to (a) delete Channel 227C2 from St. Marys, Georgia; (b) add Channel 227C2 to Callahan, Florida; and (c) modify Rowland's license for WAIA(FM) St. Marys, Georgia, to specify "Callahan" as the city of license. In support whereof, the following is shown:

1. WAIA(FM) operates on Channel 227C2 at St. Marys, Georgia. Rowland requests the Commission to delete Channel 227C2 from St. Marys and to reallocate it to Callahan, Florida, with a concurrent modification of license of WAIA(FM) to operate on Channel 227C2 at Callahan, Florida. This change is permissible under Section 1.420(i) of the Rules, which authorizes the Commission to modify the license or permit of an FM station to specify a new community of license where

the amended allotment would be mutually exclusive with the licensee's present allotment.

2. Two factors must be demonstrated in order for a licensee to change its city of license in a rule making proceeding: (1) the channel changes must be mutually exclusive, and (2) the rule making must not deprive a community of an existing service representing its only local transmission service. The Commission stated that in making the determination of whether to amend the Table of Assignments it would "take into account the totality of the service improvements resulting from a proposed change in community of license in determining whether an allotment proposal should be approved." See Modification of FM and TV Authorizations (New Community of License), 4 FCC Rcd 4870 [66 RR 2d 877] (1989). As is demonstrated herein, Rowland's proposal is consistent with the Rule and Commission policies.

3. Attached hereto is a Technical Exhibit, which is incorporated herein by reference, which provides the Commission with information about the St. Marys/Callahan channel exchange.

St. Marys, Georgia

4. As stated in the Technical Exhibit, St. Marys had a 1970 population of 3,408 and a 1980 population of 3,596. St. Marys has one standard broadcast station (WECC), and one commercial FM station (WAIA). Numerous area stations

provide 1.0 mV/m FM and 0.5 mV/m AM service to the St. Marys area. WAIA would continue to provide regional service to St. Marys.

#### Callahan, Florida

5. Callahan is an incorporated city which had a 1970 population of 772, and a 1980 population of 869. Callahan has a fire department, provides city services and has a city government. Callahan has an elected Mayor and City Counsel. The Commission's records reflect that Florida AM, Inc., holds a construction permit (File No. BMP-901119AE) for a new standard broadcast station at Callahan to operate on 1160 kHz, with call sign WELX. However, WELX is not on the air and a visit to both of the WELX transmitter sites revealed that WELX will most probably not soon initiate program tests.<sup>1</sup> The declaration of Marshall Rowland, Sr., attached, indicates that while Florida AM, Inc. was authorized to construct towers 130 feet high, only tower stubs remain with heights of 50 to 60 feet. Therefore, it appears that WAIA would bring actual first local service to Callahan, since Callahan currently receives no local service.

#### Public Interest Considerations

6. In changing its city of license, WAIA(FM) will not be required to relocate its transmitter site. WAIA(FM) will continue to provide its current signal strength to the

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<sup>1</sup> Commission records indicate that the WELX construction permit will expire November 6, 1991.

residents of St. Marys. Since St. Marys will continue to receive local service from WECC(AM), Rowland's proposal will not deprive St. Marys of its only local transmission service.

7. As shown in the attached Technical Exhibit, Callahan is entirely covered by a 70 dBu or better signal from WAIA(FM). Thus, modification of Rowland's license would be consistent with the Commission's city-grade contour provisions.

8. The proposals for St. Marys and Callahan are mutually exclusive.

9. The Commission's priorities for assigning FM allotments are set out in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 [51 RR 2d 807] (1982). They are: (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3).

10. Even if WELX were operational, there would be no adverse public interest impact resulting from the allotment of Channel 227C2 to Callahan. But, as is demonstrated herein, the public interest will best be served under the FM priorities by the allotment of de facto first local service to Callahan rather than the maintenance of a second aural service to St. Marys.

WHEREFORE, Rowland respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

	<u>Georgia</u>	
	<u>Present</u>	<u>Proposed</u>
St. Marys	227C2	---
	<u>Florida</u>	
Callahan	---	227C2

Rowland also requests the Commission to modify the license of WAIA(FM) to operate on FM Channel 227C2 at Callahan, Florida.

Respectfully submitted,

ROWLAND FIRST CITY RADIO, INC.

By: 

Gary S. Smithwick  
Its Attorney

SMITHWICK & BELENDIUK, P.C.  
2033 M Street, N.W.  
Suite 207  
Washington, D.C. 20036  
(202) 785-2800

August 15, 1991

PROPOSED RULE MAKING  
CHANGE OF CITY OF LICENSE  
ROWLAND FIRST CITY RADIO, INC.  
CHANNEL 227C2 - 93.3 MHZ  
PRESENTLY: ST. MARYS, GEORGIA  
PROPOSED: CALLAHAN, FLORIDA  
July 1991

Technical Exhibit  
TE-1

Bromo Communications, Inc.  
P.O. Box M - 1331 Ocean Boulevard, Suite 201  
St. Simons Island, Georgia 31522  
(912) 638-5608

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PROPOSED RULE MAKING  
CHANGE OF CITY OF LICENSE  
ROWLAND FIRST CITY RADIO, INC.  
CHANNEL 227C2 - 93.3 MHZ  
PRESENTLY: ST. MARYS, GEORGIA  
PROPOSED: CALLAHAN, FLORIDA  
July 1991

This technical exhibit supports the proposal by Rowland First City Radio, Inc., licensee of WAIA FM Radio Station, St. Marys, Georgia to change their city of license to Callahan, Florida. This change will provide the community of Callahan with it's first FM local aural service.

This city of license change will not require relocation of the WAIA transmitting antenna. WAIA presently serves the Callahan community with 3.16 mV/m service. The allocation of 227C2 to Callahan is mutually exclusive with Channel 227C2 in St. Marys, Georgia.

This city of St. Marys, population 3,596 (1980 census), will continue to be served by WECC (AM) 1190 khz, 2.5 KW-D, licensed to St. Marys and numerous area stations (AM and FM) which, while not licensed to St. Marys, provide 1.0 mV/m (FM) or 0.5 mV/m (AM) service to the entire area. WAIA would also continue to provide St. Marys with regional service.

Callahan is an incorporated city located in West Naussau County, Florida with a population of 869 residents (1980 census). Callahan has a fire department, provides city

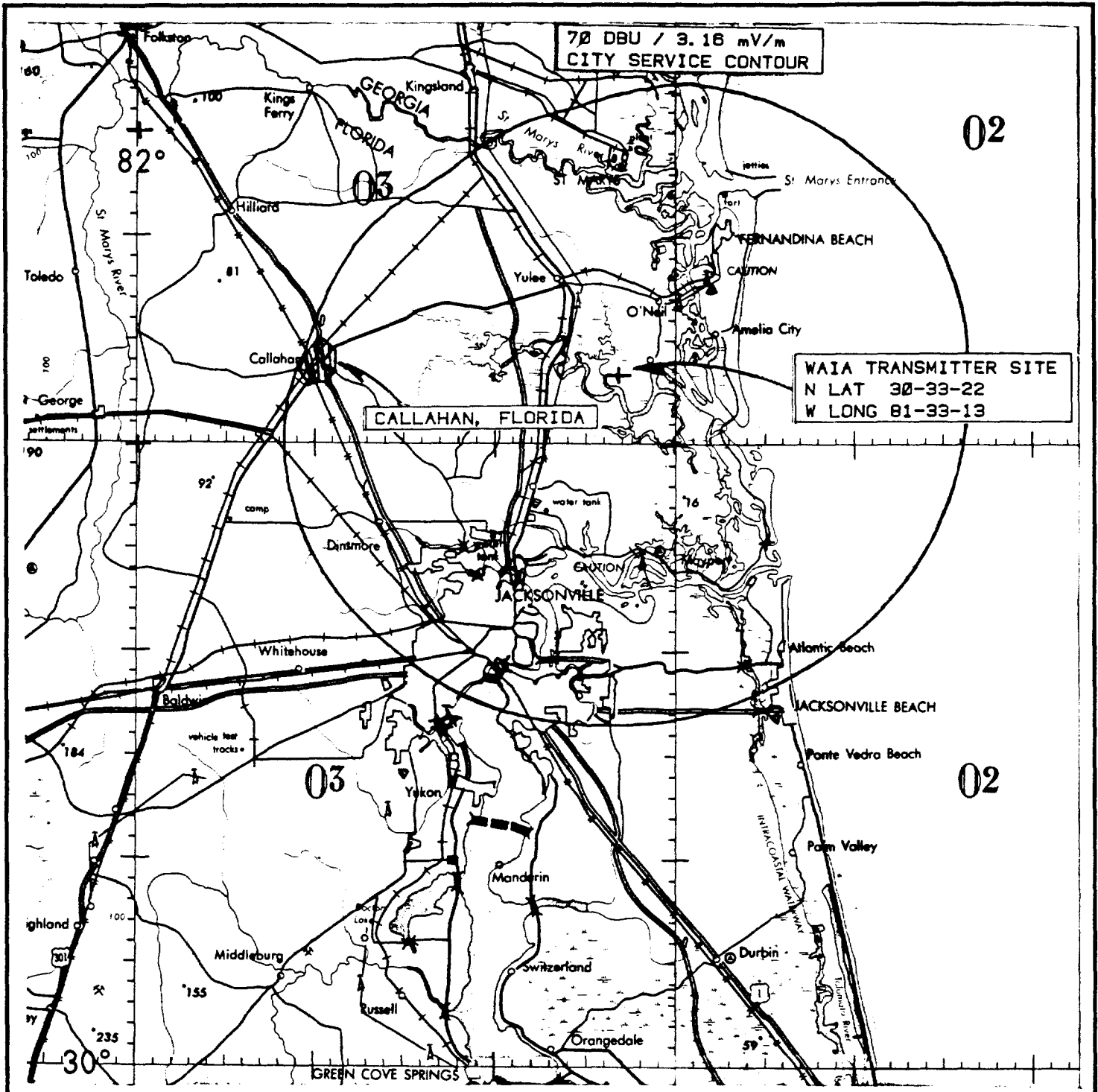


services and has a city government. Callahan has an elected Mayor and City Council and is deserving of local service.

It is noted that Callahan is potentially served by AM station WELX (1160 khz 5.0/0.25 kw DA-L). WELX, (File #BMP-871208AD) has not yet acted on it's construction permit and it is not known whether this AM service will ever be activated. WAIA is prepared to activate licensed service to Callahan immediately upon the grant of this proposal since no change to WAIA's transmitting facility is required.

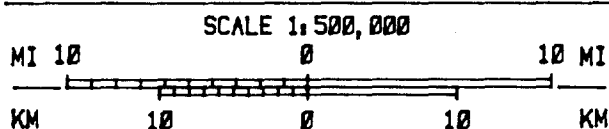
	<u>Present</u>	<u>Proposed</u>
City: St. Marys	227C2 WECC (AM)	-- WECC (AM)
Callahan	WELX (potential)	WELX (potential) 227C2

We have tried to be as accurate as possible in the preparation of this report. Should there be any questions concerning the information contained herein, we welcome the opportunity to discuss the matter by phone (912) 638-5608.



### CITY GRADE SERVICE MAP

MAP IS A PORTION OF THE 'JACKSONVILLE' AERONAUTICAL SECTIONAL CHART. THE CITY GRADE CONTOUR IS BASED ON THE ACTUAL WAIA DIRECTIONAL ANTENNA PATTERN SUBMITTED WITH THEIR LICENSE APPLICATION FILE # BLH-900911KB.



### EXHIBIT #1

ROWLAND FIRST CITY RADIO, INC.  
WAIA FM RADIO STATION  
PROPOSED RULE MAKING  
TO CHANGE CITY OF LICENSE TO  
CALAHAN, FLORIDA  
JUNE 1991

**BROMO**

**COMMUNICATIONS**

BROADCAST  
TECHNICAL CONSULTANTS

St Simons Island, Georgia

Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

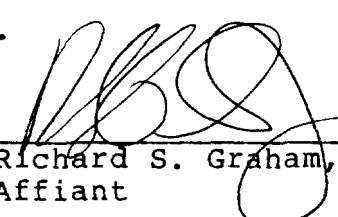
State of Georgia       )  
St. Simons Island    )  
County of Glynn       )                   ss:

RICHARD S. GRAHAM, JR. being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Casey Broadcasting Company, Inc., licensee of WAIA FM Radio Station, to prepare the attached Technical Exhibit.

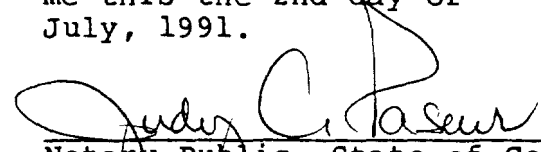
His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in broadcast engineering since 1972.

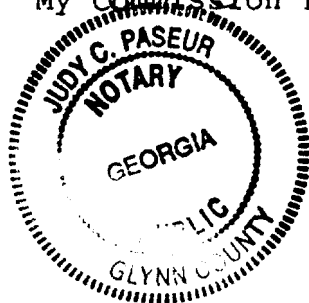
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 2nd day of July, 1991.

  
\_\_\_\_\_  
Richard S. Graham, Jr.  
Affiant

Sworn to and subscribed before  
me this the 2nd day of  
July, 1991.

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: July 20, 1991



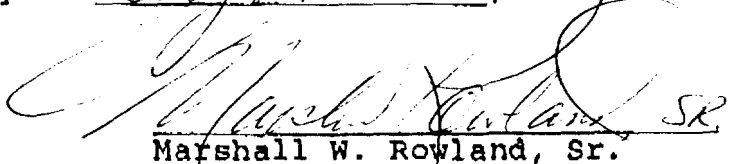
### DECLARATION

Marshall W. Rowland, Sr., under penalty of perjury, states as follows:

1. I am President of Rowland First City Radio, Inc., licensee of WAIA(FM), St. Mary's, Georgia.
2. I have authorized our attorneys to prepare and file with the Commission a petition for rule making seeking to change the city of license of WAIA from St. Mary's, Georgia, to Callahan, Florida.
3. The Commission's records reflect that Florida AM, Inc., holds a construction permit for a new AM station on 1160 kHz at Callahan with call sign "WELX." WELX is not currently on the air.
4. According to the Commission's records, WELX proposed to use two transmitter sites. One would be used for daytime operation located on Picket Drive in Picketville, Florida. The other site, to be used for nighttime operation, is located on State Road 115 at Callahan. To determine the status of construction of WELX, I personally visited the two sites. At the Picketville site, I was not able to locate any owners of the property, however, two short tower stubs approximately 50 to 60 feet high are erected at the site. There is no transmitter house, no ground system, or any other evidence of a radio station. There is no fence or security system surrounding the tower stubs.
5. I also visited the site in Callahan where one tower stub was erected approximately 50 to 60 feet high. Again, there was

no transmitter house, no ground system, only the tower stub. I was able to locate the property owner, J.J. Wilson, who advised me that the tower was erected about a year and a half ago. He could not recall exactly when, but the company that built the tower returned and took the top half with them leaving only 50 or 60 feet of stub. Mr. Wilson also informed me that he had not been paid in over a year for use of his land, and he assumed that the tower site had been abandoned and that the tower stub now belonged to him.

Executed this 14<sup>th</sup> day of August, 1991.

  
Marshall W. Rowland, Sr.

ROWLAND/PN/WAIA.DEC